

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications and Energy on its own Motion into the Appropriate Pricing, based upon Total Element Long-Run Incremental Costs, for Unbundled Network Elements and Combinations of Unbundled Network Elements, and the Appropriate Avoided Cost Discount for Verizon New England, Inc. d/b/a Verizon Massachusetts' Resale Services in the Commonwealth of Massachusetts

D.T.E. 01-20

**MOTION OF AT&T COMMUNICATIONS OF NEW ENGLAND, INC.
FOR PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION**

AT&T Communications of New England, Inc. ("AT&T") hereby requests that the Department of Telecommunications and Energy (the "Department") grant protection from public disclosure of certain confidential, competitively sensitive and proprietary information submitted in this proceeding in accordance with G.L. c. 25, § 5D. Specifically, AT&T requests that the attachment to its response to VZ-ATT 1-113 be kept confidential, as it contains competitively sensitive and proprietary information. AT&T has provided this attachment only to the Department because no party has executed the confidentiality agreement that AT&T has previously sent to each party.

I. Legal Standard.

Confidential information may be protected from public disclosure in accordance with G.L. c. 25, § 5D, which states in part that:

The [D]epartment may protect from public disclosure trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which such protection is sought is public information and the burden shall be on the proponent of such protection to prove the need for such protection. Where the need has been found to exist, the

[D]epartment shall protect only so much of the information as is necessary to meet such need.

The Department has recognized that competitively sensitive information is entitled to protective status. *See, e.g., Hearing Officer's Ruling On the Motion of CMRS Providers for Protective Treatment and Requests for Non-Disclosure Agreement*, D.P.U. 95-59B, at 7-8 (1997) (the Department recognized that competitively sensitive and proprietary information should be protected and that such protection is desirable as a matter of public policy in a competitive market).

II. ARGUMENT.

The information contained in the attachment to AT&T's response to VZ-ATT 1-113 is highly confidential, competitively sensitive and proprietary. This attachment consists of information that provides insight into AT&T's internal decision-making processes and sheds light on AT&T's marketing plans and entry strategy. As Bell Atlantic pointed out in its own Motion for Confidential Treatment filed on October 26, 1999 in D.T.E. 99-271, "[information that provides] competitors of those carriers with valuable information regarding each individual carrier's marketing plans, entry strategy, and changes in market share... is precisely the type of data the G.L. c. 25, § 5D authorizes the Department to protect from public disclosure." *See Bell Atlantic's Motion for Confidential Treatment*, D.T.E. 99-271, at 2 (October 26, 1999). In other dockets, Verizon has refused to provide similar information to any of the participants and has requested the highest level of confidential treatment. AT&T's responses should be granted the same level of protection.

Conclusion.

For these reasons, AT&T requests that the Department grant protection from public disclosure of this confidential, competitively sensitive information submitted in this proceeding, in accordance with G.L. c. 25, § 5D.

Respectfully submitted,

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June 7, 2001

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the above document to be served upon the attorney of record for each other party on June 7, 2001.
